

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
DOCKET NO. 5:09CR27-RLV**

UNITED STATES OF AMERICA	)
	)
v.	)
	)
BERNARD VON NOTHAUS	)
_____	)

In Re: PETITION OF ROBERT STANEK

**ORDER DISMISSING PETITION**

**WHEREAS**, on November 10, 2014, the Court entered a Memorandum and Order (Doc. 270) affirming the jury's verdicts of guilty to Counts One, Two, and Three in the Superseding Bill of Indictment.

**WHEREAS**, on February 25, 2015, the Court entered the Amended (Third) Preliminary Order of Forfeiture (Doc. 297) forfeiting certain coins, metals, and other property to the United States.

**WHEREAS**, Robert Stanek, Doc. 528, has filed a Petition in part of which he attaches copies of one side of four warehouse receipts but has made no specific claim based on warehouse receipts.

**WHEREAS**, in the same Petition, Robert Stanek has claimed what the Court regards as compensation for "maintenance costs" and also claims "all silver . . . that remains otherwise unclaimed."

**WHEREAS, THE COURT FINDS** that compensation is not a legal interest that may be claimed under 21 U.S.C. § 853(n)(6). Nor may an indefinite remainder of silver be claimed under 21 U.S.C. § 853(n)(6). Therefore, the Petitioner does not have standing to adjudicate his

Petition. The Petitioner has leave of Court to file a new, specific, and adequately documented claim based on warehouse receipts.

**IT IS THEREFORE ORDERED** that, pursuant to Fed. R. Crim. P. 32.29(c)(1)(A) and 21 U.S.C. § 853(n)(6), the Court denies and dismisses the Petition of Robert Stanek in its entirety.

**SO ORDERED.**

Signed: December 10, 2015

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees  
United States District Judge

